

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WILLIAM B. JOHNSON

Plaintiff,

v.

Civ. Action No. 08-1813 (KSH)

OFFICER ANTHONY DE PROSPO, # 4483,
Paterson Police Department, OFFICER MIGUEL
A. CRUZ, # 4522, Paterson Police Department,
OFFICER L. TORRES, # 4537, Paterson Police
Department, OFFICER Q. McELVEEN, # 4644,
Paterson Police Department, SERGEANT S.
ROONEY, #4457, Paterson Police Department,
DETECTIVE CLAUDIO MELLA Passaic
County Prosecutor's Office, RACHEL KUGEL,
ESQ., Attorney-at-Law, and JOHN AND JANE
DOES 1-10

Defendants.

ORDER

KATHARINE S. HAYDEN, U.S.D.J.

This matter having come before the Court by way of three motions for summary judgment filed by defendants Quaema McElveen (“McElveen”) [D.E. 74], Anthony De Prospo (“De Prospo”) [D.E. 79], and Luis Torres (“Torres”) [D.E. 76]; and the Court having considered the parties’ arguments and written submissions; and for the reasons stated in the Court’s Opinion filed herewith,

IT IS on this 30th day of December, 2010,

ORDERED that McElveen’s motion for summary judgment [D.E. 74] is **granted**; and it is further

ORDERED that the motions for summary judgment by De Prospo [D.E. 79] and Torres [D.E. 76] are **denied** as to plaintiff William Johnson's claims for excessive force and assault and battery; and it is further

ORDERED that the motions for summary judgment by De Prospo [D.E. 79] and Torres [D.E. 76] are **granted** as to plaintiff William Johnson's remaining claims.

/s/ Katharine S. Hayden

December 30, 2010

Katharine S. Hayden, USDJ